

BOARD OF CODE STANDARDS AND APPEALS MINUTES

November 2, 2009

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Crotts, Harder, Hentzen, Willenberg

Staff Members Present: Kurt Schroeder, Deb Legge, Penny Bohannon, Darlene Hultman, Richard Meier, Paul Hays, Rick Stubbs, Elaine Hammons (Central Inspection)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, October 5, 2009, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the October 5, 2009, minutes.

Board Member Harder made a motion to approve the October 5, 2009, minutes as submitted. Board Member Coonrod seconded the motion. The motion carried.

Approval of the November 2009 license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Date</u>
Terry L. Lindsey	Roofing & Siding	November
Michael J. Tait	Roofing & Siding	November

Board Member Coonrod made a motion to approve the license examination applicants for testing. Board Member Harder seconded the motion. The motion was approved.

Chairman Hentzen requested that the Board Members and City staff introduce themselves to the public in attendance.

Condemnation Hearings

Review Cases:

1. 935 N. Ohio

Lacy Horner, owner, was present.

A one and one-half story frame dwelling about 23 x 46 feet in size, this building has been vacant for at least one year. This structure has rotted and missing wood lap siding; badly worn composition roof with missing shingles; rotted and missing wood trim and framing members; deteriorated front and side porches; and the 16 x 20 foot two-story, concrete block and frame accessory structure is dilapidated.

This property was first presented to the Board at the May 5, 2009, hearing. Mr. Horner was present at the meeting. The Board approved a motion to allow ninety days for the exterior repairs to be completed and the delinquent taxes to be paid, maintaining the site in a clean and secure condition in the interim. On August 3, 2009, the property was reviewed by the Board; an additional ninety days was allowed for the completion of the exterior repairs and payment of the delinquent taxes while maintaining the property in a clean and secure condition. Mr. Horner was also present at that meeting. As of October 28, 2009, the 2007 and 2008 taxes were still delinquent in the amount of \$442.85, including interest. There is a 2009 Special Assessment for weed mowing in the amount of \$124.45. There is a large pile of construction debris and tree waste in the front, back and side yards of the premise. As of October 26, 2009,

the reroof had been completed; however, the required inspection had not been approved. No other repairs have been made to the property. The structure is secure.

Chairman Hentzen asked Mr. Horner to update the Board on his plans for the building.

Mr. Horner said he planned to continue to repair the house. He told the Board that the house had belonged to his deceased mother, and he was attempting to pay for the repairs in addition to his other financial obligations. All debris had been removed from the site, Mr. Horner said, and the painting was almost complete. There are some upstairs windows that he still has to fix, and he intends to have the building sided.

Board Member Harder asked in what timeframe Mr. Horner expected to have all repairs completed.

Mr. Horner replied that he needed an additional ninety days.

Chairman Hentzen inquired about payment of the delinquent taxes.

Mr. Horner said that he had paid on the delinquent taxes and could pay off the balance.

Board Member Harder made a motion to allow an additional ninety days for the repairs to be completed, and the delinquent taxes to be paid, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

Overview of major changes from the 2006 IBC to the 2009 IBC and discussion of the possible proposed amendment package.

Mr. Schroeder briefly explained that the review of the 2009 edition of the IBC (International Building Code) and the IRC (International Residential Code) began in mid-May of 2009. Representatives from the Board had been designated to attend the meetings. When the code committee began the review process, there was a broad spectrum of participation which included contractors, architects, engineers, and other building officials. As the review neared completion, the number of participants decreased. Paul Hays, Senior Plans Examiner, and Rick Stubbs, Commercial Plans Examiner, from Central Inspection facilitated the review process. Mr. Schroeder said that Mr. Hays and Mr. Stubbs would provide more specific code language at the December 2009 or January 2010 meeting.

Board Member Coonrod inquired about the date the proposed amendment package would go before the City Council for approval. Mr. Schroeder anticipated that the proposed amendment package would go before the City Council in February 2010 if the Board gave its approval on the overall changes at the December 2009 meeting.

Mr. Stubbs explained that the significant changes from 2006 IBC to the 2009 IBC deal primarily with the wording. In some instances, the verbiage was amended to make the 2009 IBC less restrictive; in other instances, the verbiage was amended to clarify the intent of the code.

Chapter 3

Change: The 2009 IBC would classify aircraft hangars as Group S1 occupancies, regardless of whether they are used for storage or maintenance/repair functions. This classification would require a smaller allowable floor area and lowers the threshold for requiring foam and water-based sprinkler systems.

Comment: This section would be amended with the 2006 IBC code language structure, which allowed for the storage only of aircraft under a Group S2 occupancy classification. The foam and water-based sprinkler systems as required in the 2009 IBC could be a major cost factor for smaller facilities.

Chapter 4

Change: The high-rise code requirements have been greatly expanded and now include an intermediate height (120') with its own level of compliance requirements, in addition to the 75' and 420' height levels in the current code. New requirements include a separate elevator to be used solely by emergency responders; dual water services to the

building from two separate water mains; increased lobby protection at the elevators; photo-luminescent markings of all vertical egress stairs (doors, handrails) from all levels down to grade. These enhancements are from what was gleaned from the Trade Center bombings and other emergency responses to high-rise structures.

Comments: Chairman Hentzen asked how many high-rise structures over 120' existed in the City of Wichita. Mr. Stubbs estimated that there were only two existing buildings that were 120' or over in height, and any renovation of those structures would fall under the IEBC (International Existing Building Code). The only structure that could potentially be affected as a new project, The Parkstone Condos, is still in the design phase. Mr. Schroeder interjected that there is generally a window of six months for projects in the design phase when the code cycle changes. This allows for a project to be reviewed under the previous code if plans are submitted within six months of the new code adoption. Mr. Hays added that the submittal of the plans would trigger the "six-month timeframe." Board Member Coonrod asked how many stories would be the standard number of stories in a 120' structure. Mr. Stubbs responded there are normally twelve stories in a building of that height, allowing for ten feet per story.

Change: A new section has been created for "Live/Work Units" that combines a dwelling unit with a non-residential building use. This provision was implemented for the redevelopment of urban areas where the building owner/tenant may reside within the same structure that they work during the day.

Comment: The current code is not well established for dual use; the new language in the 2009 IBC will address this use.

Change: A new section has been created for "Ambulatory Health Care Facilities" that will require fairly extensive construction requirements for this use group. Dental offices, oral surgeons, minor surgery centers, and other out-patient surgery or treatment facilities where the patient is rendered incapable of self-preservation are potential occupant classes for this new section. The new use would require sprinkling, smoke compartment construction, a fire alarm system, and area of refuge provisions among other requirements.

Comment: The recommendation is to strike this section completely.

Change: Storm shelter construction.

Comment: Eliminate this section and adopt the ICC 500 standard for storm shelter construction.

Chapter 5

Change: Table 503, which has the height, story and building area parameters based on occupancy and building construction type, has changes in the "B," "M," "S1," and "S2" occupancy classifications within the type II-B and III-B classes. The occupancy classifications "B," "S1," and "S2" classes have been reduced by one story, and the "M" class has lost two stories on the allowed stories above grade from the previous code.

Comment: The change to this section uses language similar to the UBC (Uniform Building Code).

Change: There are minor changes in the Incidental Accessory Occupancies table. The storage area provision for separation is now gone, and rooms containing fire pumps have been added for protection with rated assemblies.

Chapter 6

Change: Table 601 has been modified to add a new building element named "secondary members" with its own fire protection rating listing that is independent of the "primary framing" member.

Comment: The secondary framing member typically requires a thirty-minute to one-hour lesser fire protective rating than the primary structural member, which should decrease construction costs.

Chapter 7

Change: A new requirement has been added to label all rated wall assemblies (fire walls, fire barriers, fire partitions, etc.) as such in a location that is observable. The location and labeling requirements are spelled out in the new

section. This requirement is being implemented to help provide a permanent identification of the wall so that future penetrations of the walls will be properly protected.

Comment: This is a method of controlling and restricting openings added to fire-rated wall assemblies.

Change: A new section has been added to govern the application of sprayed fire-resistant materials (fireproofing) on building elements. This section spells out the required locations of the protective spray as well as the application standards to follow.

Comment: There is not a great amount of this fireproofing done in Wichita.

Change: The current section regulating exterior wall fire protection has been changed. In addition to complying with Tables 601 and 602 of the code, the exterior walls that have a fire separation distance greater than ten feet shall be protected for fire exposure from the inside, and walls ten feet or less shall be protected from the fire exposure from both sides of the wall.

Comment: The previous code language had a distance value of five feet.

Chapter 9

Change: The definition of "fire area" has been modified to include areas of the building that are covered with a roof or floor structure above, regardless if the area has surrounding walls or not.

Comment: This new definition will impact occupancies that sell or store products, materials, etc., outside the main building but do provide some sort of overhead protection to this area. The current code now generally excludes this area of use in the fire area definition unless it was surrounded by walls in addition to the overhead cover of a roof or story above. Some areas may be considered exempt. The biggest impact might be to restaurants with covered patio areas. The impact of the change will be to trigger an automatic sprinkler system at an earlier level, since the exemption from an occupancy specific sprinkler requirement is based on the square footage of the fire area.

Board Member Crotts asked if awnings would be exempt. Mr. Stubbs responded that a new definition for awnings had been created. This change in the code would affect canopies and other roofed features supported by columns. The purpose, Mr. Stubbs surmised, was likely to get floor area and fire area to mesh.

Change: The sprinkler trigger area for group "E" occupancies has been lowered from 20,000 square feet to 12,000 square feet in the new code.

Comment: Since the City is required to follow Kansas law on schools (no local amendments allowed), we will have to enforce the standard adopted by the State. Once Kansas moves to the 2009 IBC, then the standard will be 12,000 square feet.

Change: Group "M" occupancies that sell or display any upholstered furniture must now be fully sprinkled regardless of size.

Comment: This is a code reaction to the furniture fire in the Carolinas that claimed the lives of several firefighters, and the discovery that much of the padding material used in today's furniture is more flammable than previously thought. This would affect antique stores, resale stores, rent-to-own stores, etc. The recommendation for this change is to strike this requirement.

Board Member Coonrod inquired whether the changes in Chapter Nine were triggered by fire fatalities. Mr. Stubbs said that he made inquiries of a representative with ICC regarding the reason for these particular changes and was told that those changes had received the greatest number of votes.

Change: Sprinkler protection of exterior decks and/or balconies in occupancies of Type V construction will not be required unless the deck or balcony has a roof over it.

Comment: The previous code required the sprinkler system to be extended to cover these elements.

Change: A new section detailing the requirements for identifying or marking the building fire control rooms, hazardous items, shafts with door access to the space (shaft) would now be in effect under the "Emergency Responder Section."

Comment: This would also include marking all openings on the exterior of the building that would lead to these areas. This section also has ties to high-rise building code requirements but is not exclusive to that category of construction.

Chapter 10

Change: The egress width calculations for stairways and doors have been changed.

Comments: The new code language does not provide for increased egress capacity at these egress points afforded by sprinkler systems; therefore, all stairways will be calculated at the occupant load multiplied by 0.03 factor for determining required width and all egress doors will be calculated at the occupant load multiplied by 0.20 factor for determining their width.

Change: In multi-story buildings, two-way communication systems must be provided at all areas of refuge and elevator lobbies regardless of whether the building is sprinkled or not. Grade-level elevators are exempt from the requirement.

Comment: Regardless whether it is a fire rescue area or standard occupant travel, the two-way system must be provided, going to a manned location in the building or to 911. The code has language on the specific requirements for the operation/installation of the system as well as identifying the system for public use.

Change: The edge protection required at all accessible ramps has been increased in height from two inches to four inches to match the ADA Rewrite language.

Comment: This provision still allows for its elimination (edge protection) based on the overall width of the ramp and the placement of the guardrail/handrail system at the ramp.

Change: A stairway is now required to provide service access to elevator equipment located on the roof or housed within a penthouse structure on top of a building roof.

Comment: Previously, ladders or alternating tread devices were permitted to serve as a means of access for this equipment. The new requirement ties to the elevator code standards of ASME. The recommendation will be that this section be amended due to the great cost burden placed on the property owners.

Change: The language stipulating where guards are required has been modified. The new language requires guards whenever this grade differential occurs within in 36" arc or line from the open side of the ramp or platform. Additional language on guard requirements has been added regarding bench seating on platforms that have drop-off exposure also. Openings in required guards have been modified to reduce the opening sizes previously allowed.

Comments: Previous code required guards if the grade differential was 30" or more immediately adjacent to the open side of the ramp or platform, among other areas. The change is to guard against "artificial mounding" of dirt, etc., immediately adjacent to the open side to circumvent the 30" height differential and, thus, trigger the requirement for guards.

Chapter 15

Change: Overflow drains and scuppers that penetrate parapet walls will have new language, via amendment, to better clarify the requirements for their use and placement.

Comment: This section primarily refers to a circumstance where a parapet roof element that has to go through the wall. The current amendment has lead to some confusion on the intended requirements.

Chapter 17

Change: The special inspector can now be part of the design team of the structure as opposed to being an independent individual or firm. The specific language of the section allows the “registered design professional in responsible charge and engineers of record” can act as the approved agency, and their personnel can act as the actual special inspector for the work designed by their firm, provided they have been qualified by the building official.

Comments: Modifications to this section could include a reduction in the number of parameters that would require special inspection. This language should bring down the cost of the special inspections currently required by the City of Wichita via the amendment for when the inspections are required in the first place.

Chapter 29

Change: Water closets and urinals utilized by the public or employees shall occupy separate compartments or have screen walls (for urinals).

Comment: This does not affect single-user unisex restrooms.

Overview of major changes from the 2006 IRC to the 2009 IRC and discussion of the possible proposed amendment package.

Ms. Hultman and Mr. Meier gave a brief presentation of the major changes from the 2006 International Residential Code to the 2009 International Residential Code. The review committee for the 2009 IRC was composed of building officials from surrounding areas, residential contractors, members of the heating and air industry, and staff from the Wichita Fire Department.

Chapter 3 – Building Planning

R302 Fire-resistant Construction

Change: This entire section has been re-numbered and re-titled, “FIRE-RESISTANT CONSTRUCTION.” All items regarding fire-resistant construction have been consolidated into this section.

Comment: In the previous code, these items were scattered throughout the code. With the fire code under one title, this is a major improvement in ease of use of the code.

R308 Glazing

Change: The code language has been amended for better clarification. The new code requires safety glazing for windows closer than 60” of the water’s edge on bathtubs and showers.

Comment: The City will recommend amending this to 18” from the water’s edge. The City of Wichita will continue to allow professionally applied safety film as an approved alternative. This section has been completely reorganized to make it more “user friendly.”

R313 Fire Sprinklers

Change: The change would require all new one- and two-family dwellings to be fire sprinkled starting January 1, 2011.

Comment: There has been no final decision made on whether to leave this section as it is, strike it, or amend it.

R315 Carbon Monoxide Alarms

Change: The new code requires carbon monoxide alarms in all residential dwellings both new and whenever a permit is required.

Comments: The review committee's recommendation is to strike this section.

Chapter 4– Foundations

Change: The major change in this chapter is the updating of previous requirements to agree with the Portland Cement Association's design requirements (PCA100).

Comment: The City of Wichita will continue to accept the City of Wichita's Basement Standard, the 2009 IRC, or an engineer design, whichever the contractor chooses.

Chapter 5 - Floors

R502.2.2.1 Deck Ledger Connection to Band Joists – R502.2.2.3 Deck Lateral Load Connection

Change: The deck lateral load will require the use of a hold-down tension device.

Comment: The review committee's recommendation is to develop a Deck Standard for the City of Wichita. A committee has been formed to begin working on this standard. These sections, along with Table R502.2.1 and Figure R502.2.3 are slated for deletion.

Chapter 6 – Wall Construction

R602.10 Wall Bracing

Change: This section was greatly expanded in an attempt to clarify the section.

Comments: An amendment to this section would allow the use of the City of Wichita Wall Brace Standard, engineered design, or the requirements as stated in this section.

R612.2 Window Sills, R612.3 Window Fall Prevention Devices, R612.4 Window Opening Limiting Devices

Change: These sections, among other restrictions, require fall protection from exterior windows and limited opening for windows 72" above exterior grade.

Comments: The recommendation is to delete these sections in their entirety.

Chapter 7 Wall Coverings

Change: A new section, R703.1.2 Wind Resistance, was added.

Comment: This section will be deleted.

Table R703.4

Change: This table permits the direct attachment of some siding materials to the studs.

Comment: This table will be retained, but amended to prohibit the direct attachment of siding materials to studs except for detached accessory structures under 200 square feet.

Chapter 8 – Roof Ceiling Construction

R806.1 Ventilation Required

Change: These requirements will be retained.

Comment: A committee is will be formed to establish a Roof Ventilation Standard.

Chapter 9 – Roof Assemblies

R905.2.1 Sheathing Requirements

Change: There was no change from the 2006 IRC.

Comments: The code language in this section will be clarified, by amendment, regarding what is considered a “solidly sheathed roof deck.” Table 503.2.1.1(1) (which shows approved sheathing material) will be amended to remove the allowance of 5/16” and 3/8” structural panels for roof sheathing.

Chapter 12 – Mechanical Administration

Change: Not adopted in the last code cycle.

Comments: This chapter will be adopted.

Chapter 13 – General Mechanical System Requirements

M1307.3.1 Protection from Impact

Change: Rewritten to clarify requirements for protection by an approved barrier for heating and air appliances.

Comments: This expands the required vehicle protection to include location other than garages and carports.

Chapter 14 – Heating and Cooling Equipment

M1411.6 Locking Access Port Caps

Change: This section requires that access caps for refrigerant lines must be provided with locking caps when they are located outdoors.

Comment: This section will be deleted.

Chapter 15 – Exhaust Systems

M1502.4 Dryer Exhaust Ducts

Change: New provisions were added to the requirements for clothes dryer duct systems, such as the requirement for a permanent tag or label to indicate the equivalent length of the exhaust duct when concealed; and where space for a clothes dryer is provided, an exhaust duct system shall be installed.

Comment: The maximum length of the exhaust duct will be amended to 35 ft. from 25 ft. unless a longer run is allowed by the manufacturer.

Chapter 16 - Duct Systems

M1601.6 Independent Garage HVAC Systems

Change: Furnaces and air handling systems that supply air to living spaces shall not supply air to or return air from a garage.

Comment: This provision was retained as written.

M1602.2 Prohibited Sources

Change: Return air for a forced-air furnace cannot be taken from an unconditioned area.

Comment: This section was retained as written.

Chapter 17 Combustion Air

Change: Most of this chapter was deleted.

Comment: The scope of the chapter is now to direct the user on where to find combustion air requirements in other sections of this code.

Chapter 20 – Boilers and Water Heaters

Comment: This chapter was deleted.

Chapter 22 – Special Piping and Storage Systems

Comment: This chapter was not adopted; the provisions of this chapter will be regulated under Title 21 (Plumbing Code).

Chapter 23 – Solar Systems

Comment: This chapter was retained with the exception of the reference to the back-flow preventer, which will be regulated by Title 21.12 of the Code of the City of Wichita.

Chapter 24 – Fuel Gas

Comment: All gas piping will be regulated by Title 21.

Appendix “J,” which is written in the IEBC (International Existing Building Code) will be adopted by reference. This appendix is designed to assist contractors describe exactly what type of work is going to be done. Central Inspection will create a form for the purpose of eliminating some of the confusion with obtaining permits and better define the type and scope of work being done.

Board Member Harder asked Mr. Schroeder if there was an anticipated time when a final decision would be made about the one- and two-family dwelling fire sprinkler requirement. Mr. Schroeder said that the City’s Fire Department and Central Inspection would remain neutral; the final decision will be made by the City Manager and/or the City Council.

Board Member Crofts expressed a desire to know who participated on the code review committees and what segments of the construction industry were involved. He said that he felt it was important to include realtors in the overall review.

With no other business to conduct, Board Member Coonrod made a motion to adjourn the meeting. Board Member Crofts seconded the motion. The motion carried.

The meeting adjourned at 2.48 p.m.